

REMARKS

Reconsideration of the application identified in caption in light of the remarks which follow is respectfully requested.

At the outset, Applicant notes with appreciation the indication that claims 1-5 are allowed (Official Action at page 2).

In light of the allowance of product claim 1, Applicant respectfully requests, as a matter of right, the rejoinder of dependent process claims 6-12. In this regard, M.P.E.P. §821.04 states that if Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. Furthermore, M.P.E.P. §821.04 states that “[p]rocess claims which depend from or otherwise include all the limitations of the patentable product will be entered as a matter of right if the amendment is presented prior to final rejection or allowance [emphasis added].”

In the present case, each of process claims 6-12 either directly or indirectly depends from allowed product claim 1. In addition, claims 6-12 were presented in the originally filed application, i.e., prior to issuance of a final rejection or Notice of Allowance. As such, it is apparent that process claims 6-12 should be rejoined as a matter of right in the present application in light of the allowance of product claim 1. For at least the above reasons, such rejoinder of claims 6-12 in the present application is respectfully requested.

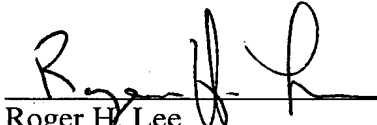
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 27, 2004

By: 
Roger H. Lee
Registration No. 46,317

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620